

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA )

v. )

TINKIEWON LASHUA BERRY )

Cr. No. 2:05-cr-131-A

**GOVERNMENT'S MOTION FOR DOWNWARD DEPARTURE**  
**AND CERTIFICATION OF SUBSTANTIAL ASSISTANCE**  
**PURSUANT TO § 5K1.1, UNITED STATES SENTENCING GUIDELINES**

**COMES NOW** the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and files the above-captioned motion, and as reasons therefore, submits the following:

1. On the 28<sup>th</sup> day of November, 2005, the Defendant entered a plea of guilty to an indictment charging a violation of Title 21, United States Code, Section 846 ( Conspiracy to Possess with the Intent to Distribute a Controlled Substance) pursuant to a plea agreement.

2. In the plea agreement, the Defendant agreed to cooperate with the Government in subsequent investigations as necessary and to waive his rights to appeal or to seek further relief under the provisions of Title 28, United States Code, Section 2255.

3. Defendant met with Drug Enforcement Administration Task Force Agent Scott Edwards. During such meeting, the defendant was interviewed by Agent Edwards regarding his knowledge of drug trafficking in the Montgomery, Alabama area. Defendant gave Agent Edwards information regarding his source of supply for his cocaine. Moreover, Defendant told the agents to whom he was selling drugs prior to his arrest.

4. Defendant further gave Agent Edwards information on a previously indicted

individual and agreed to testify against this individual.

5. Defendant has agreed to testify against all of the people about whom he gave the federal government information.

6. The Government is, therefore, satisfied that the Defendant is entitled to be considered for a reduction of sentence under U.S.S.G. § 5K1.1 and Title 18, U.S.C. § 3553(e), and moves this Court to reduce the applicable sentencing guideline offense level by three levels.

Respectfully submitted this the 6th day of February, 2006.

LEURA G. CANARY  
UNITED STATES ATTORNEY

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 6, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Keith Ausborn, Esquire.

LEURA G. CANARY  
UNITED STATES ATTORNEY

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